



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

June 16th, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **June 16th, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Earl Cunningham
 Dwayne Hogan Glen Minich
 Greg Szybala

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of May 19th, 2020.

Dwayne Hogan made a motion to approve the meeting minutes of May 19th, 2020 as presented.

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

Petitions:

1. Petition for Variance of Developmental Standards for Robert J Solomon for construction of a pole barn thirty feet by fifty feet (30' x 50') with water and without a residence. The property is located across the street from 977 E. 900 N., Laporte, IN., Galena Twp., zoned A on 20 acres. Parcel 46-03-19-200-003.000-048.

Attorney Biege stated notice is adequate.

Robert Solomon stated his address is 276 N. 375 W., Valparaiso, IN.

Melissa Mullins Mischke asked what the intention of the pole barn is.

Robert Solomon stated he currently has equipment there and would like to be able to store it outside of the weather.

Dwayne Hogan asked what kind of equipment does he have there.

Robert Solomon stated he has two tractors there.

Dwayne Hogan asked if he has intentions of putting a house there someday.

Robert Solomon stated possibly in the future. He is unsure where he would build it on that property since the build area is limited. His main intent is to get the machinery out of the weather, start a small apple orchard and raise a few pigs in the future. It is the reason for the water. He isn't currently looking for residence right now.

Dwayne Hogan asked if he had twenty (20) acres.

Robert Solomon stated that is correct. He has been looking for a house for sale in the immediate area to relocate, but he hasn't had much luck yet.

Melissa Mullins Mischke stated that there is a wetland delineation showing that the property is nearly all in a wetland, but there is a letter from the Army Corp of Engineers that has approved for him to build this structure.

Robert Solomon stated there is probably not even a whole acre out of the twenty (20) that holds water. It's as dry as can be there now.

Melissa Mullins Mischke asked if he will be building the structure himself.

Robert Solomon stated he will have somebody build it for him.

Melissa Mullins Mischke stated that according to the Army Corp of Engineers letter, he has until the end of December to start construction.

Robert Solomon stated he will start construction right away and it will be done promptly.

Remonstrators:

Jeff Setmayer stated his address is 8766 N. 125 E., LaPorte, IN.

Jeff Setmayer stated he has the seventeen (17) acres next-door to the property. He purchased it as a wetland knowing nothing could be built, but perhaps something has changed.

Attorney Biege stated that he is correct, but the Army Corps of Engineers can give you a waiver depending on soils and other things. Mr. Solomon went to the Army Corp to get permission.

They are the ones who designate what is and is not a wetland. The County does not have the power to waive that, but the Army Corp does.

Jeff Setmayer asked if he would be able to do the same thing as Robert Solomon.

Attorney Biege stated yes.

Earl Cunningham stated that it should be noted that Mr. Setmayer is not technically a remonstrator, he was just asking a question.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Robert J Solomon for construction of a pole barn thirty feet by fifty feet (30' x 50') with water and without a residence. The property is located across the street from 977 E. 900 N., Laporte, IN., Galena Twp., zoned A on 20 acres.

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for Kenneth Showalter for continued placement of a mobile home on property for elderly parent. Original variance granted June 19, 2018. The property is located at 5629 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 2.72 acres. Parcel 46-03-12-400-014.000-048.

Attorney Biege stated notice is adequate.

Ken Showalter stated his address is 5629 E. 1000 N., LaPorte, IN.

Melissa Mullins Mischke stated he has been here before two (2) years prior. Is he still taking care of his elderly parent?

Ken Showalter stated yes.

Melissa Mullins Mischke asked what year the mobile home is?

Ken Showalter stated he does not recall.

Melissa Mullins Mischke stated she has the previous meeting minutes and it is listed. It is a 1983.

Earl Cunningham stated it is very well taken care of.

Melissa Mullins Mischke stated it is very well maintained.

Melissa Mullins Mischke stated that if the variance is approved there will be no renting of the mobile home if the elderly parent passes.

Ken Showalter asked if he would be able to get an extension to remove the mobile home in the case his parent passes. Hopefully longer than ninety (90) days.

Melissa Mullins Mischke stated to wait and see how long he is approved for.

Attorney Biege stated that if something were to happen between now and your extended time, he will still have until the end of the period.

Ken Showalter stated the time he has once she has passed. He believes they agreed on ninety (90) days last time.

Attorney Biege stated that would be up to the discretion of the Building Commissioner.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Kenneth Showalter for continued placement of a mobile home on property for elderly parent for three (3) years renewable. The property is located at 5629 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 2.72 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

3. Petition for Variance of Developmental Standards for Anthony and Amy Klimek for construction of an accessory structure forty feet by sixty feet (40' x 60') with a height of twenty-five feet (25') instead of the maximum of eighteen feet (18'). The property is located at 11796 W. Windmill Lane, Westville, IN., New Durham Twp., zoned R1A on 2 acres. Parcel 46-09-19-100-039.000-027.

Attorney Biege stated notice is adequate.

Anthony Klimek stated his address is 11796 W. Windmill Lane, Westville, IN.

Anthony Klimek stated he is seeking a variance for the height restrictions on the pole barn. His wife and him are avid boaters and they trailer the boat twice a year. Once to put it in the water and once to take it out. They rent a slip in Portage. They currently pay for storage at another facility which is expensive and they would like to have their own storage as they also have small tractor and a few other toys he would like to get out of the garage. He is seeking a variance because he needs a fourteen-foot (14') overhead door to get the boat in which puts the peak height right under twenty-five feet (25').

No remonstrators present.

Dwayne Hogan asked if he is going to place the pole barn behind the red sign.

Anthony Klimek stated yes.

Dwayne Hogan asked if it dropped down there quite a bit.

Anthony Klimek stated unfortunately yes. He may build a smaller pole barn if the fill-in cost is too expensive. He is figuring eight feet (8') of fill at the far end of the barn.

Earl Cunningham asked if they can approve this as written and say or less.

Attorney Biege stated they should approve it as written and the Board does not need to address it if it will be smaller than approved.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Anthony and Amy Klimek for construction of an accessory structure forty feet by sixty feet (40' x 60') with a height of twenty-five feet (25') instead of the maximum of eighteen feet (18'). The property is located at 11796 W. Windmill Lane, Westville, IN., New Durham Twp., zoned R1A on 2 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Brian and Joyce Becker for construction of a second (2nd) accessory structure twenty feet by twenty-eight feet (20' x 28'). New structure will replace the existing second (2nd) accessory structure. The property is located at 1691 S. US 35, LaPorte, IN., Pleasant Twp., zoned R1A on 1.196 acres. Parcel 46-11-07-301-015.000-057.

Attorney Biege stated notice is adequate.

Brian Becker stated his address is 1691 S. US 35, LaPorte, IN.

Melissa Mullins Mischke asked which building is coming down and what is going in its' place.

Brian Becker stated he is removing the garage that is on the southeast corner of the house, the smaller one, and replacing it.

Attorney Biege asked how close the garage will be to the property line.

Brian Becker stated ten feet (10'). He purchased fifteen feet (15') from his south neighbor so he could do this project. He really hopes he can do this as he already spent four-thousand dollars (\$4,000) acquiring the land.

Attorney Biege asked if the line has been moved.

Brian Becker stated it has been and the surveyor has been out.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Brian and Joyce Becker for construction of a second (2nd) accessory structure twenty feet by twenty-eight feet (20' x 28'). New structure will replace the existing second (2nd) accessory structure. The property is located at 1691 S. US 35, LaPorte, IN., Pleasant Twp., zoned R1A on 1.196 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked if there is any further business before the Board this evening.


Attorney Biege stated they are currently working on a solar ordinance that would be attached to the building and independent that they are introducing to the Plan Commission shortly. If they have input to please contact him or if they would like to see a copy before it goes to the Plan Commission. They are introducing the draft at the next meeting. Wind is covered well in the County, but not solar.

Greg Szybala asked if this would be residential and agricultural.

Attorney Biege stated they are trying to cover everything. In the event there is solar farm, they are trying to cover that and cover residential, especially if they want ground units.

There being no further business, meeting adjourned at 6:25 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary